

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Darnell Curtis Riley,)
Plaintiff,) Civil Action No. 4:14-287-TMC
vs.)
P.E. Spivey, Director, Kershaw County)
Detention Center,)
Defendant.)

)

ORDER

Plaintiff Darnell Curtis Riley, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's Motion for Preliminary Injunction (ECF No. 34) be denied; Defendant's Motion for Summary Judgment (ECF No. 44) be granted; and the case dismissed in its entirety. (ECF No. 54). Plaintiff timely filed objections to the Report. (ECF No. 57).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In that case, the court reviews the Report only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

As set forth above, Plaintiff filed timely objections to the Report. (ECF No. 57). However, most his objections are non-specific, unrelated to the dispositive portions of the Report, or merely restate Plaintiff's claims. The court has thoroughly reviewed the Report and Plaintiff's objections and finds no reason to deviate from the recommendation that this action should be dismissed. In his objections, Plaintiff requests that if the court adopts the Report, the court should dismiss the action without prejudice. Objections 4-5). The court agrees as this action was rendered moot by Plaintiff's transfer and not decided on the merits. Additionally, the court denies Plaintiff's request that Defendant be ordered to pay his filing fees.

Because Plaintiff's transfer to another prison has stripped this court of jurisdiction to decide the case, the Complaint will be **DISMISSED without prejudice**. The dismissal of the Complaint renders Defendants' Motion for Summary Judgment (ECF No. 44) and all remaining motions (ECF Nos. 35,36, and 39) moot.

It is therefore **ORDERED** that Plaintiff's Motion for Preliminary Injunction (ECF No. 34) is **DENIED**; Defendant's Motion for Summary Judgment (ECF No. 44) is **DENIED as moot**; and this case is **DISMISSED** in its entirety. Further, the remaining motions (ECF Nos. 35, 36 and 39) are **DENIED as moot**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 18, 2015
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.